

REMARKS

Claims 1-40 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such as way as to reasonably convey to one skilled in the relevant art that the inventors at the time the application was filed had possession of the claimed invention. The Examiner asserts that although a bioimplant formulation is claimed which does not contain lecithin as a pore forming agent, the specification states at page 12, lines 1-3 that lecithin is "...the most preferred pore-forming agent...". From this comment, the Examiner concludes that the claims are rendered unclear since they appear to contradict what is taught in the specification. The rejection is respectfully traversed.

There is no contradiction between the present claims and the specification.

Claim 1 reads as follows:

A pharmaceutical and/or veterinary formulation comprising about 2-30% (w/w) (on an active basis) of at least one active agent, about 0.5-20.0% (w/w) of a pore-forming agent and the balance stearin, with the proviso that where the at least one active agent is a gonadotropin-releasing hormone (GnRH) agonist(s) the pore-forming agent is not lecithin.

It will be clear from the above that claim 1 contains the proviso that "where the at least one active agent is a gonadotropin-releasing hormone (GnRH) agonist(s) the pore-forming agent is not lecithin". This is entirely consistent with the passage at page 9, beginning at line 5. Moreover, the passage at page 10, beginning at line 1 states that the most preferred pore-forming agent is lecithin "(except where the least one active agent is a GnRH agonist(s))". Thus, it is clear from the present claims and the

specification that where the at least one active agent is a GnRH agonist(s), the pore-forming agent is not lecithin whereas, for other active agents, lecithin may indeed be the most preferred pore-forming agent.

It is believed that no confusion arises in this regard, and that a person of ordinary skill would have no difficulty in understanding the scope of the claims having regard to the disclosure of the specification. Reconsideration and withdrawal of the outstanding 35 U.S.C. § 112, first paragraph, rejection are accordingly respectfully requested.

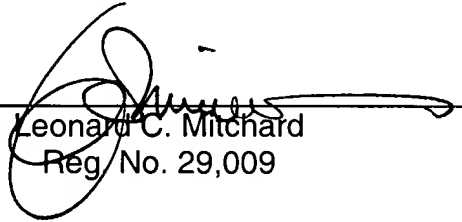
It is noted, with appreciation, that the election of species requirement has been withdrawn.

It is believed that this application is in condition for immediate allowance. Early notice to that effect is respectfully requested.

Respectfully submitted,

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